

1.0 INTRODUCTION

The staffs of the Federal Energy Regulatory Commission (Commission or FERC), the California State Lands Commission (CSLC), and the Bureau of Land Management (BLM) prepared this draft environmental impact statement/environmental impact report (EIS/EIR) and draft land use plan amendment (plan amendment) to assess the environmental impact associated with the construction of a new natural gas transmission system in Arizona and California proposed by North Baja Pipeline, LLC (NBP)^{1/}. NBP's proposal, referred to in this document as the North Baja Pipeline Project, would involve the construction and operation of about 79.9 miles of 36- and 30-inch-diameter pipeline, a new 18,810- to 21,600-horsepower (hp) compressor station, two new meter stations, and related facilities. A total of 48.2 miles of the proposed pipeline and one new meter station would be on lands managed by the BLM under the jurisdiction of the Palm Springs, El Centro, and Yuma Field Offices. This document proposes to amend the California Desert Conservation Area Plan (CDCA Plan) and the Yuma District Resource Management Plan (Yuma District Plan) to the extent needed to allow the proposed natural gas transmission system.

The North Baja Pipeline Project has the capacity to transport 500 million cubic feet per day (MMcfd) of natural gas from a proposed interconnect with an existing El Paso Natural Gas Company (El Paso) pipeline in Ehrenberg, Arizona to the United States/Mexico border where it would interconnect with a new pipeline, Gasoducto Bajanorte, to be constructed by Semptra Energy Mexico (Semptra). The natural gas would then be transported westward on the Gasoducto Bajanorte pipeline to an interconnection with the existing Transportadora de Gas Natural de Baja California (TGN) pipeline in Baja California, Mexico. The TGN pipeline extends from Rosarita, Mexico to an interconnection with San Diego Gas and Electric Company (SDG&E) pipeline facilities at the San Diego/Tijuana border. These pipeline systems are shown on figure 1-1.

NBP is not currently engaged in any natural gas transportation operations, but upon commencement of operations proposed for the North Baja Pipeline Project, it would become a natural gas company under the Natural Gas Act (NGA) and would be subject to the jurisdiction of the FERC. On October 31, 2000, NBP filed applications with the FERC in Docket Nos. CP01-22-000 and CP01-23-000 under Sections 7(c) and 3 of the NGA and Parts 157 and 153 of the FERC's regulations, respectively. In Docket No. CP-01-22-000, NBP seeks a Certificate of Public Convenience and Necessity (Certificate)^{2/} to construct, install, own, operate, and maintain a new interstate natural gas pipeline and ancillary facilities. In Docket No. CP01-23-000, NBP seeks authorization and a Presidential Permit to construct, operate, and maintain pipeline facilities at the international border between the United States and Mexico for the exportation of natural gas. The proposed facilities are described in detail in section 2.0.

1.1 PROJECT PURPOSE AND NEED

According to NBP, the primary purpose of its proposal is to provide access to natural gas supplies for new gas-fired electric power generation serving the power grids in Baja California, Mexico and southern California. More specifically, the objectives of the project are to supply natural gas to:

^{1/} NBP is a limited liability company formed under the laws of the State of Delaware. NBP is a wholly owned subsidiary of PG&E Gas Transmission Holdings Corporation, which is a wholly owned subsidiary of PG&E Gas Transmission Corporation.

^{2/} NBP also requested in Docket Nos. CP01-24-000 and CP01-25-000, respectively, that the FERC grant blanket certificates to provide open-access transportation of natural gas for others and to perform certain routine activities and operations. These dockets qualify for categorical exclusions with no environmental analysis required under the Commission's regulations (Title 18, Code of Federal Regulations Part 380).

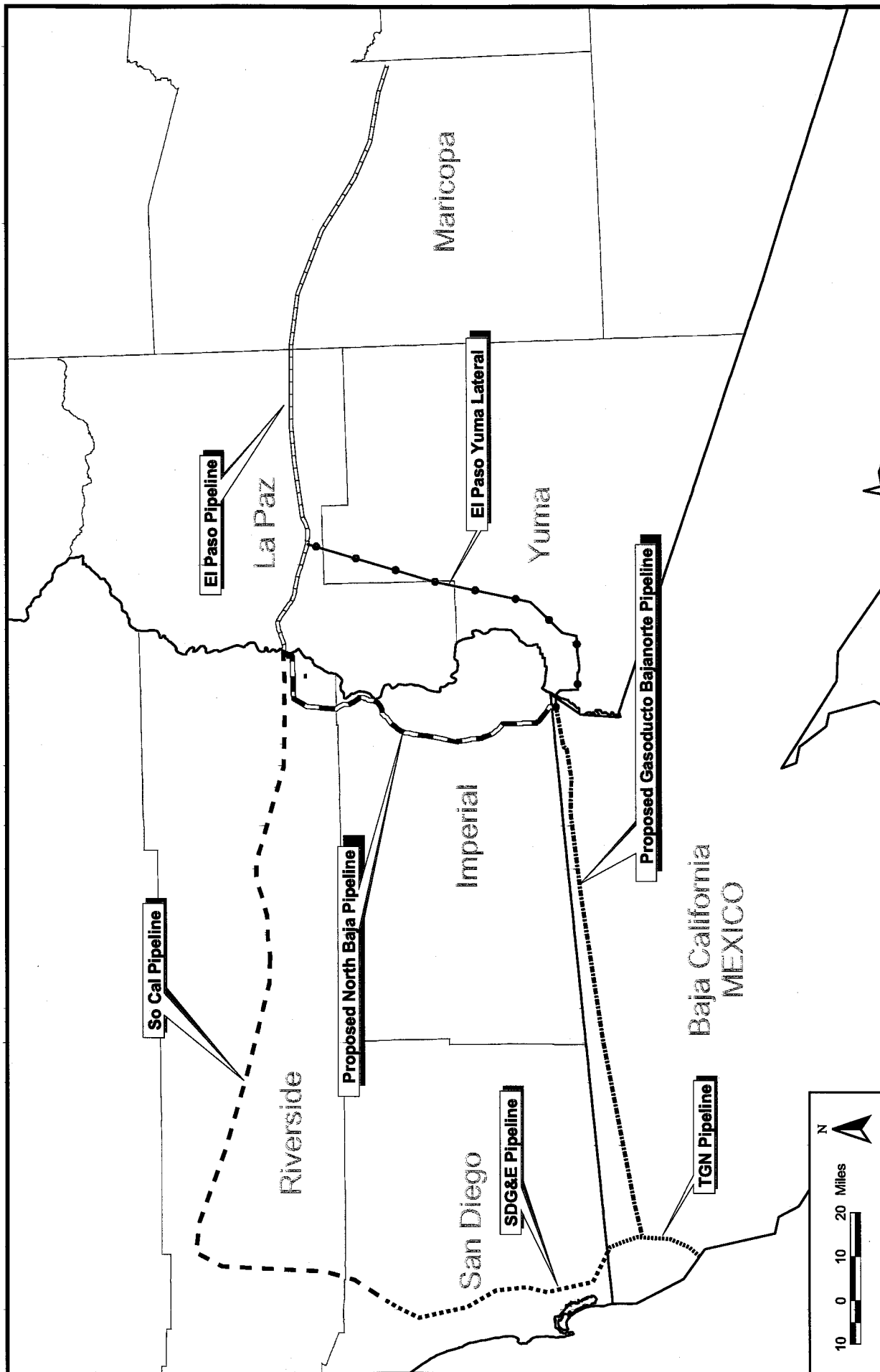


Figure 1-1
North Baja Pipeline Project
 Proposed and Existing Pipeline Systems

- new electric generation facilities planned for construction in northern Baja California, Mexico, southern California, and southern Arizona;
- support the conversion of existing fuel oil-fired electric generation in Mexico to gas-fired electric generation; and
- meet industrial and municipal load growth in northern Baja California, Mexico.

NBP currently has executed precedent agreements^{3/} with six shippers for more than 100 percent of the total proposed capacity of its system as shown in table 1.1-1. NBP also states that it has long-term agreements in place for 100 percent of its pipeline capacity starting in January 2004. Additional discussion of the shippers and facilities (*e.g.*, capacities, locations, time frame for construction) is presented in sections 1.5 and 5.13.

NBP states that its contracts demonstrate strong market support for the proposed project. According to NBP, the north Baja California region is rapidly becoming one of Mexico's strongest areas of industrial growth because of its proximity to California and the Pacific Rim. Electric demand has grown more than 7 percent annually for the last several years, and this growth is projected to continue. The Comision Federal de Electricidad (CFE), the Mexican national electric utility, is predicting that a new 500 megawatt (MW) power plant (requiring approximately 85 MMcfd of natural gas) will be required every 3 to 4 years to serve the growing demand.

TABLE 1.1-1 North Baja Pipeline Project Precedent Agreements			
Shipper	Contract Quantity (MMcfd) ^{a/}	Term (Years)	Anticipated Use
CEG Energy Options, Inc.	48	25	500 megawatt (MW) Otay Mesa Plant, San Diego, California
Comision Federal de Electricidad	32 increasing to 210	20	electric generation
Distribuidora de Gas Natural de Mexicali	16 increasing to 24.5	20	local distribution, Mexicali, Mexico
Energia Azteca X (InterGen Energy, Inc.)	172	25	750 MW La Rosita/InterGen Plant, Mexicali, Mexico
Gasoducto Rosarito	63 increasing to 98	7	550 MW Presidente Juarez/Rosarito Plant, Tijuana, Mexico
Termoelectrica De Mexicali, S. de R.L. de C.V.	105	20	600 MW Termoelectrica De Mexicali Plant, Mexicali, Baja California, Mexico
Total	657.5		
^{a/} NBP's contract quantities were reported in dekatherms per day. Those units have been converted to MMcfd to present a comparison with the proposed project's capacity.			

^{3/} A precedent agreement is an agreement between parties that, after a certain set of conditions are met, they will enter into a contract.

NBP notes that virtually all of the growth in electric generation in Mexico is likely to be fueled with natural gas. Mexico's new energy policy stresses expanding the natural gas market while reducing its reliance on fuel oil. In keeping with this objective, the CFE plans to convert 11 fuel oil facilities in Mexico to natural gas over the next 10 years. NBP also notes that industrial customers in Tijuana and San Luis Rio de Colorado are considering switching from liquefied petroleum gas to natural gas or have shown an interest in natural gas service.

NBP's statements regarding the strong demand in Baja California, Mexico are supported by a letter we ^{4/} received during the scoping process from the Mexican Secretaría de Energía. This letter outlined the heavy natural gas demands in Baja California, Mexico and requested that the Commission expedite its review of NBP's application and issue the required permits and approvals at the earliest possible date (Mexican Secretaría de Energía, 2001).

Other comments received during the scoping process indicate that the North Baja Pipeline Project is considered crucial infrastructure needed to assist California in meeting its current and future demand for electricity. NBP asserts that the United States western power grid would be directly supplied power via the electric generation projects in Mexico because two distinct transmission lines operate between the Mexican national electric utility (CFE) and southern California. Both of these interconnections have been in place for several years and power sales from Baja California to southern California have been occurring at least since 1990. Additionally, one of NBP's principal shippers, InterGen Energy, Inc. (InterGen), has entered into a contract for the sale of electricity into the United States western power grid.

Another scoping comment we received that demonstrates the demand for electricity in southern California asked us to discuss the feasibility of a tie-in to the proposed pipeline by local distribution companies (LDC) in California, such as the Imperial Irrigation District, to provide natural gas to local power plants. No deliveries to LDCs in California have been identified at this time; however, NBP has indicated a willingness to serve LDCs. NBP could either file an amendment to its application for new delivery points to be considered in this proceeding or, if the North Baja Pipeline Project is certificated by the Commission, new delivery points could be constructed under NBP's blanket certificate requested in Docket No. CP01-24-000.

Because of the strong demand for electricity in NBP's proposed service area, NBP has requested approval to begin construction of the North Baja Pipeline Project by January 1, 2002 if all permits and approvals are in place. NBP states that a construction start on or before January 1, 2002 would reduce or eliminate gas curtailments currently occurring periodically on the SDG&E gas transmission system and increase the amount of additional electric generation capability available in California. A January 1, 2002 construction start would also reduce impact on sensitive biological species. NBP estimates that construction of the proposed project would take approximately 6 months and cost approximately \$146 million.

On September 15, 1999, the FERC issued a Policy Statement that established criteria for determining whether there is a need for a proposed project and whether the proposed project would serve the public interest. The Policy Statement explains that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. In evaluating new pipeline construction, the Commission's goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by

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"We," "us," and "our" refer to the environmental staff of the FERC's Office of Energy Projects and the CSLC staff.

existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain.

On May 18, 2001, the FERC issued a Preliminary Determination on Non-Environmental Issues (PD) to NBP. The PD indicates that NBP's application under Section 7(c) of the NGA to construct, operate, and maintain natural gas facilities would, on the basis of all pertinent non-environmental issues, be required by the public convenience and necessity. The PD further indicates that the issuance of a Presidential Permit and authorization to construct, operate, and maintain the proposed border crossing facilities at the border between the United States and Mexico under Section 3 of the NGA would, on the basis of all pertinent non-environmental issues, be consistent with the public interest. The issuance of a PD does not prejudice any further actions by the Commission. Final action on the FERC Certificate and Presidential Permit would not occur until after the environmental review is completed, all environmental issues have been appropriately addressed, and a final Order is issued by the Commission.

1.2 PURPOSE AND SCOPE OF THIS EIS/EIR AND LAND USE PLAN AMENDMENT

The FERC, the CSLC, and the BLM decided to jointly prepare this draft EIS/EIR and draft plan amendment to assess the environmental impact associated with the construction and operation of the facilities proposed by NBP in accordance with the requirements of the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), and the Federal Land Policy and Management Act (FLPMA). Described below are the responsibilities of the FERC, the CSLC, and the BLM relative to the proposed project, the overall purposes for preparing this EIS/EIR, and how the EIS/EIR will be used for decision making.

The FERC is the Federal agency responsible for evaluating applications filed for authorization to construct and operate interstate natural gas pipeline facilities. As such, the FERC is the lead Federal agency for the preparation of this EIS/EIR in compliance with the requirements of NEPA, the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations [CFR] Parts 1500-1508), and the FERC's regulations implementing NEPA (Title 18 CFR Part 380). The proposed project would affect Federal land managed by the BLM and NBP has filed a right-of-way application with the El Centro Field Office, which is acting as the lead BLM office in conjunction with the Palm Springs and Yuma Field Offices. As part of considering NBP's application, the BLM has agreed to consider amendments to applicable land use plans and meet its NEPA responsibilities by participating as a cooperating agency^{5/} in the preparation of this EIS/EIR. The Bureau of Reclamation (BOR) is also a cooperating agency in the preparation of this EIS/EIR because lands administered by the BOR would be crossed by the project. A preliminary version of this EIS/EIR was provided to the BLM and the BOR to afford both agencies the opportunity to participate in the preparation of the document. The comments of these agencies have been incorporated into this EIS/EIR.

The CSLC is the state agency that has jurisdiction over California's Sovereign and School Lands. Because it manages state-owned lands that would be crossed by the project and its staff has experience working on oil and gas industry projects, the CSLC was selected as the lead state agency for purposes of preparing the EIS/EIR, complying with CEQA (Public Resources Code Section 21000 et seq.), and following the guidelines for the implementation of CEQA (California Code of Regulation Title 14, Section 15000 et seq.). As the lead state agency, the CSLC is responsible for coordinating the review of the EIS/EIR by state

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A cooperating agency has jurisdiction by law, permitting authority, or special expertise to participate in the review of a proposal with respect to any environmental impact involved in the proposal.

responsible and trustee agencies, which include the California Department of Fish and Game (CDFG), the Regional Water Quality Control Boards, and the California Department of Transportation (Caltrans).

The principal purposes of the FERC, the CSLC, and the BLM for preparing an EIS/EIR and plan amendment are to:

- identify and assess the potential impact on the natural and human environment that would result from the implementation of the proposed project;
- identify and recommend reasonable alternatives and specific mitigation measures, as necessary, to avoid or minimize environmental impact;
- evaluate and amend, if needed, decisions in the CDCA Plan and the Yuma District Plan; and
- encourage and facilitate public involvement in the environmental and land use planning review processes.

Our analysis in the EIS/EIR focuses on the facilities that are under our jurisdiction (*i.e.*, the 79.9 miles of pipeline, new compressor station, two new meter stations, and appurtenant facilities). The scope of our analysis of nonjurisdictional facilities (*i.e.*, the proposed Gasoducto Bajanorte pipeline and any existing or new power plants, and any laterals and powerlines that they may require, that would take service from the proposed project) is described in section 1.5.

The topics addressed in this EIS/EIR include geology; soils; water resources; wetlands; vegetation; wildlife and aquatic species; special status species; land use, transportation, special management areas, recreation and public interest areas, and visual resources; socioeconomics; cultural resources; air quality and noise; reliability and safety; cumulative and growth-inducing impacts; and alternatives. The EIS/EIR describes the affected environment as it currently exists, discusses the environmental consequences of the proposed project, and compares the project's potential impact to that of the alternatives. The EIS/EIR also presents our conclusions and recommended mitigation measures.

The FERC will use the results of the EIS/EIR as an element in its review of NBP's application to determine whether a Certificate should be issued for the project. The Commission will consider the environmental issues, including our recommended mitigation measures, as well as non-environmental issues. A Certificate will be granted only if the FERC finds that the evidence produced on technical competence, financing, rates, market demand, gas supply, existing facilities and service, environmental impacts, long-term feasibility, and other issues demonstrates that a project is required by the public convenience and necessity. Environmental impact assessment and mitigation development are important factors in the overall public interest determination.

The CSLC will use the results of the EIS/EIR in its decision-making process in reviewing NBP's application for crossing state lands. When the EIS/EIR is completed, the CSLC must certify that:

- the final EIS/EIR has been completed in compliance with CEQA;
- the final EIS/EIR was presented to the CSLC in a public meeting; and
- the CSLC reviewed and considered the information contained in the final EIS/EIR prior to approving the proposed project.

In conjunction with approval of the EIS/EIR, the CSLC must prepare written findings of fact for each significant environmental impact identified in the document. These findings must either state that:

- the project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact;
- changes to the project are within another agency's jurisdiction and have been or should be adopted; or
- specific considerations make mitigation measures or alternatives infeasible.

If any of the impacts identified in the EIS/EIR cannot be reduced to a level that is less than significant, the CSLC may issue a Statement of Overriding Considerations for approval of the project if specific social, economic, or other factors justify a project's unavoidable adverse environmental effects. After deciding to approve a project for which an EIS/EIR has been prepared, the CSLC issues a Notice of Determination and can act on NBP's application for crossing state lands.

In addition to the FERC and the CSLC, other Federal, state, and local agencies will use the EIS/EIR in approving or issuing permits or approvals for all or part of the proposed project. For example, the BLM and the BOR will use the results of the EIS/EIR as an element in their review of NBP's application for a right-of-way/special use permit across Federal lands. This EIS/EIR will also be used by the BLM to consider an amendment to the CDCA Plan (as amended), which would be necessary for pipeline construction outside of designated utility corridors, as well as an amendment to the Yuma District Plan, which would be necessary for pipeline construction across the Milpitas Wash Special Management Area (SMA). The CDCA Plan, the Yuma District Plan, and the BLM amendment processes are discussed in sections 1.6 and 1.8. The required Federal, state, and local permits, approvals, and consultations for the project are discussed in section 1.7.

1.3 THIRD-PARTY CONTRACTOR ROLE IN THE PREPARATION OF THE EIS/EIR

A commenter at the El Centro scoping meeting asked for an explanation of who specifically would be preparing the EIS/EIR. As previously stated, the FERC, the CSLC, and the BLM jointly prepared this document with input from the BOR. We were assisted in our preparation of the EIS/EIR by a third-party contractor. Following is a summary of the FERC's third-party contracting process, including the Organizational Conflict of Interest (OCI) review.

In February 1994, the FERC initiated a voluntary third-party contracting program. This third-party program allows an applicant seeking authority to build natural gas facilities the option of funding an independent third-party contractor to assist the Commission in reviewing the environmental aspects of applications and preparing environmental documents required by NEPA. Under the third-party program, the independent contractor:

- is selected directly by the FERC's Director of the Office of Energy Projects (OEP) (or his/her designee);
- works under the exclusive supervision and control of the OEP staff;
- is responsible for conducting environmental analyses and preparing documentation required by NEPA; and

- is paid for by the project applicant.

The project applicant issues a Request For Proposal to each company on a list of potential contractors (offerors). Proposals submitted to the applicant by the offerors are screened for technical adequacy and OCI issues (see below), and submitted to the OEP. Final contractor selection is made by the Director of OEP (or his/her designee). Once selected by the OEP and retained by the applicant, the third-party contractor begins work for the Commission under the supervision of the OEP staff. Although the applicant pays for the contractor's work, the applicant has no control over work done under the contract, and is not able to review the work product before its release to the public. The FERC, through its staff, bears ultimate responsibility for full compliance with the requirements of NEPA.

OCI Review Process

The FERC's guidelines on OCI are intended to determine if the work to be performed may, without some restrictions on future activities:

- result in an unfair competitive advantage to a contractor; or
- impair the contractor's objectivity in performing the contract work.

Offerors must investigate and define all relationships, including ownership interests, with all project-related FERC-regulated pipelines and their affiliates, gathering companies, brokers and marketers of natural gas, major producers and their affiliates, and end users such as industrial users, including cogeneration facilities. All OCI materials are submitted to the OEP and reviewed by the FERC's Office of General Counsel (OGC) for accuracy. The OGC makes the ultimate determination of whether or not an OCI exists after examining all relevant facts submitted by the offeror, the statement of work, and information gained from other sources. If an OCI does exist, the OGC requires the offeror/contractor to submit an acceptable mitigation plan. If the conflict cannot be resolved, the offeror/contractor is considered ineligible for proceeding with the third-party contract.

The selection of the third-party contractor and its role in the preparation of the EIS/EIR for the North Baja Pipeline Project followed the process described above. For this EIS/EIR, the third-party contracting program was also adopted by the CSLC and the BLM, which bear ultimate responsibility for full compliance with the requirements of CEQA and FLPMA, respectively. The third-party contractor for the North Baja Pipeline Project worked under the joint direction of the OEP, CSLC, and BLM staff. We believe that the level of OCI review conducted during the selection process, and the requirements under which the contractor performs work for the OEP, CSLC, and BLM staff, confirm that the contractor is objective in performing the tasks required to satisfy NEPA, CEQA, and FLPMA.

1.4 PUBLIC REVIEW AND COMMENT

On December 12, 2000, the FERC and the CSLC issued a *Notice of Intent/Preparation to Prepare a Joint Environmental Impact Statement/Report for the Proposed North Baja Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visit (NOI/NOP)*. This document briefly described the project, provided a preliminary list of EIS/EIR issues, announced that the BLM would be using the EIS/EIR to consider an amendment to the CDCA Plan, invited written comments from the public on NBP's proposal, and listed the date and location of two public meetings to be held in communities near the proposed project area. The NOI/NOP was sent to 747 interested parties, including

Federal, state, and local agencies; elected officials; environmental and public interest groups; Indian tribes; affected landowners; local libraries, newspapers, and television stations; other interested parties; and intervenors ^{6/} in this proceeding before the FERC.

The two public meetings were held to provide an opportunity for the general public to learn more about the proposed project and participate in our analysis by commenting on the issues to be included in the EIS/EIR. The first meeting was in El Centro, California on January 10, 2001; the second meeting was in Blythe, California on January 11, 2001. These meetings were announced in the NOI/NOP and in six local newspapers. Three people commented at the meeting in El Centro and six people commented at the meeting in Blythe. Each meeting was recorded and the transcripts are part of the public record for the North Baja Pipeline Project.

Issuance of the NOI/NOP opened the time period for receiving written comments and established a closing date for receiving comments of February 5, 2001. We continued to receive and accept comment letters after the close of the comment period. In total, 31 letters and oral statements comprising 101 individual comments were received in response to the NOI/NOP (most letters and oral statements contained more than one comment on the project). Each of the written and oral statements was evaluated and divided into individual comments. Of the combined written and oral comments received, 15 percent dealt with non-environmental issues such as project need and general project support or opposition.

On May 22, 2001, the FERC and the CSLC issued a supplement to the December 12, 2000 NOI/NOP in which we announced that the BLM would be using the EIS/EIR to consider an amendment to the Yuma District Plan and requested environmental comments on that issue. The supplement to the NOI/NOP did not reopen the general scoping period for the EIS/EIR. The comment period for the supplement to the NOI/NOP closed on June 18, 2001. Four comment letters comprising seven individual comments were received. None of these comments were related to the BLM's consideration of the plan amendment.

On June 5, 2001, the BLM issued a separate notice of its consideration of the CDCA and Yuma District Plan amendments. The comment period for the BLM's notice closed on July 5, 2001. Eighteen comment letters comprising 24 individual comments were received. One of these comments was related to the BLM's consideration of the plan amendments. A detailed discussion of the BLM's plan amendment process is presented in section 1.8.

The environmental scoping comments raised issues related to the alternatives analysis, geologic hazards, water and wetland resources, vegetation, wildlife, special status species, biodiversity, weed control, cultural resources, socioeconomics, transportation, agricultural practices, air quality, cumulative impact, and pipeline safety. Table 1.4-1 lists the specific comments received during the scoping period, including the comments on the supplement to the NOI/NOP and the BLM's notice of the plan amendments, and indicates the section of the draft EIS/EIR and draft plan amendment in which each comment is addressed. Issues independently identified by us are also addressed in the draft EIS/EIR and draft plan amendment.

^{6/} Intervenor is an official party to the proceeding and has the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other intervenors. Only intervenors have the right to seek rehearing of the Commission's decision.

TABLE 1.4-1

Issues Identified During the Public Scoping Period

Forum/ Commenter	Comment Date <u>a</u> /	Comment/Issue <u>b</u> /	EIS/EIR Section(s) Addressing Comment
PUBLIC MEETINGS			
<u>El Centro, California</u>			
Campbell, A.	1/10/01	<ul style="list-style-type: none">the U.S. Bureau of Reclamation's involvement in the project	1.2
Foote, O.	1/10/01	<ul style="list-style-type: none">interest in natural gas transportation and supply in Imperial County	1.1
Heuberger, J.	1/10/01	<ul style="list-style-type: none">EIS/EIR preparation responsibilities	1.2, 1.3
		<ul style="list-style-type: none">status of the Presidential Permit	1.1
		<ul style="list-style-type: none">availability of natural gas to Imperial County power generation facilities	1.1
		<ul style="list-style-type: none">intervenor process	1.4
<u>Blythe, California</u>			
Anzick, E.	1/11/01	<ul style="list-style-type: none">odorization and leak detection	5.12.1
Colcun, S.	1/11/01	<ul style="list-style-type: none">the FERC's role in assessing pipeline safety	5.12.1
		<ul style="list-style-type: none">inspection during construction	2.5
		<ul style="list-style-type: none">responsibilities of the U.S. Department of Transportation, Office of Pipeline Safety in commenting on pipeline routing	5.12.1
		<ul style="list-style-type: none">responsibilities in assessing alternatives	1.0, 5.12.1
		<ul style="list-style-type: none">width of the Western Area Power Administration's (WAPA) Devers-Palo Verde right-of-way and the feasibility of the WAPA right-of-way as an alternative to the route along 18th Avenue <u>c</u>/	6.1.2
		<ul style="list-style-type: none">status of agreement to use the 18th Avenue easement	1.7
		<ul style="list-style-type: none">timing of construction along 18th Avenue and the effect of summer temperatures on quality of work	2.4, 2.5
		<ul style="list-style-type: none">effects on local service industries due to overlap of construction schedule with the Blythe Energy Project	5.13.1
		<ul style="list-style-type: none">effect on property values	5.9.2.4
		<ul style="list-style-type: none">benefits to residents of Riverside County (tax revenues, cleaner air) do not justify impact on residents of 18th Avenue	7.0
		<ul style="list-style-type: none">Mexican plants should be supplied by Mexican pipelines	1.1
		<ul style="list-style-type: none">status of permit for the Gasoducto Bajanorte pipeline	1.4, 5.13.1
Figueroa, A.	1/11/01	<ul style="list-style-type: none">effect on the Mesa Verde community	Appendix B
		<ul style="list-style-type: none">assessment of alternatives to avoid the Mesa Verde community	Not Applicable
		<ul style="list-style-type: none">alternate sources of fuel in Mexico	2.7
		<ul style="list-style-type: none">future expansion	2.7
		<ul style="list-style-type: none">history of accidents in the region	5.12
Garnica, C.	1/11/01	<ul style="list-style-type: none">NEPA/CEQA process	1.2
		<ul style="list-style-type: none">intervenor process	1.4
		<ul style="list-style-type: none">inspection devices, including the pipe in Mexico, and number of safety inspection personnel	5.12.1
Hull, C.	1/11/01	<ul style="list-style-type: none">recommendation to place utilities in a public right-of-way to promote safety and assist in emergency response	5.12.1, 6.1.2
		<ul style="list-style-type: none">dangers of deep tilling practices	6.1.2
		<ul style="list-style-type: none">examination of U.S. Highway 95 alternative	6.1.1
		<ul style="list-style-type: none">number of alternatives considered	3.0, 6.0
Unknown	1/11/01	<ul style="list-style-type: none">odorization and leak detection	5.12.1

TABLE 1.4-1 (cont'd)

Issues Identified During the Public Scoping Period

Forum/ Commenter	Comment Date <u>a</u> /	Comment/Issue <u>b</u> /	EIS/EIR Section(s) Addressing Comment
COMMENT LETTERS ON THE NOTICE OF INTENT/NOTICE OF PREPARATION			
Anzick, E. and Newidouski, T.	11/12/00	<ul style="list-style-type: none"> • opposition to the 18th Avenue route • safety concerns (odorization, depth of cover, level of worker supervision during construction) • effect on property values • consideration of the WAPA Alternative <u>c</u>/ 	6.1.2 5.12.1 5.9.2.4 6.1.2
Arizona Game and Fish Department (Knowles, W.)	1/26/01	<ul style="list-style-type: none"> • consideration of impact on cave myotis, great egret, and southwestern willow flycatcher • assessment of impact on the Colorado River and adjacent riparian habitats and the special status species and other fish and wildlife species that use these habitats • mitigation for unavoidable impacts 	5.7 5.3.2, 5.7 7.0
Brown, B. and A.	11/15/00	<ul style="list-style-type: none"> • opposition to the 18th Avenue route • depth of cover • high water table • effect on private water wells • effect on property values • consideration of the WAPA Alternative <u>c</u>/ 	6.1.2 2.3.1 6.1.2 5.3.1 5.9.2.4 6.1.2
California Department of Fish and Game (Hayes, C.)	2/5/01	<ul style="list-style-type: none"> • assessment of flora and fauna within and adjacent to the project area, with emphasis upon identification of endangered, threatened, and locally unique species and sensitive habitats • assessment of direct, indirect, and cumulative impacts and measures to offset such impacts • consideration of alternatives • requirements of a California Endangered Species Act permit and the need for the EIS/EIR to address impacts and specify a mitigation monitoring and reporting program • retention of wetlands and watercourses and setbacks to preserve riparian and aquatic values and maintain value to onsite and offsite wildlife populations • requirements of Streambed Alteration Agreements (SAAs) and the need for the SAA to be subject to CEQA review 	5.7 5.13.1 3.0, 6.0 2.5, 5.7 5.3, 5.4, 5.5, 5.6 5.3.2
California Department of Transportation (Figge, B.)	1/11/01	<ul style="list-style-type: none"> • requirements for an encroachment permit 	5.8.3
California Department of Transportation (Costa, W.)	1/31/01	<ul style="list-style-type: none"> • requirements for an encroachment permit • impact on state bridges 	5.8.3 5.8.3
California Independent System Operator Corporation (Robinson, C.; Smith, R.; Anders, J.)	12/4/00	<ul style="list-style-type: none"> • support for the project as crucial infrastructure to assist California in meeting its current and future electricity needs • support for the project to facilitate the siting of new electric generation facilities in the San Diego area 	1.1 1.1

TABLE 1.4-1 (cont'd)

Issues Identified During the Public Scoping Period

Forum/ Commenter	Comment Date <u>a</u> /	Comment/Issue <u>b</u> /	EIS/EIR Section(s) Addressing Comment
COMMENT LETTERS ON THE NOTICE OF INTENT/NOTICE OF PREPARATION (cont'd)			
California Native American Heritage Commission (Wood, R.)	12/27/00 and 1/12/01	<ul style="list-style-type: none"> • need for a records search • discussion of report requirements • details of sacred lands file check • determination of Native American contacts • mitigation measures to protect and avoid archaeological resources • process for unanticipated finds 	4.10.1 4.10 5.10 4.10 5.10 5.10
California Native Plant Society (Anderson, I.)	1/29/01	<ul style="list-style-type: none"> • potential impact of and mitigation for weed invasions as a result of construction, erosion control, and restoration 	5.5.2
Campa, R.	11/29/00	<ul style="list-style-type: none"> • depth of cover • effects on agriculture 	2.3.1 5.2.2, 5.8.1
Coachella Valley Water District (Levy, T.)	1/2/01	<ul style="list-style-type: none"> • project would not affect the district's facilities 	Not Applicable
Colcun, S.	11/24/00	<ul style="list-style-type: none"> • opposition to the 18th Avenue route • safety concerns (incidents reported by pipeline operators, qualifications of safety employees, inadequate safety standards, possibility of third-party damage, depth of cover, odorization, emergency response, effects of summer temperatures on quality of work) • socioeconomics (effects of construction workforce on local services, shortage of local skilled workers, effect on property values, assessment of local population and industry data) • effect on private water wells • assessment of air quality data • benefits of cleaner air do not justify impact on residents of 18th Avenue • consideration of the WAPA Alternative <u>c</u>/ 	6.1.2 5.12 5.9 5.3.1 5.11.1 7.0 6.1.2
Garnica, R. and C.	11/29/00	<ul style="list-style-type: none"> • effects on agricultural land and workers 	5.2.2, 5.8.1, 5.9
Imperial County Planning Department (Heuberger, J.)	1/9/01 and 2/7/01	<ul style="list-style-type: none"> • impact on the Colorado River and associated wetlands and wildlife habitat • 100-year floodplain control • regional air quality impacts • effect of new Mexican power plant emissions on southern California air quality • effects on transportation and coordination of encroachment permits and traffic impacts • earthquake hazards and public safety • effect on irrigation canals and drains • effect on cultural resources • revisions to the BLM's designated utility corridor • use of borrow material and identification of borrow sources • feasibility of tie-in to local distribution companies to serve local power plants • status of the Presidential Permit 	5.3.2, 5.4, 5.6 4.3.2 5.11, 5.13 5.13.1 5.8.3 5.1, 5.12 5.3.2 5.10 6.1.3 2.3.1 1.1 1.1

TABLE 1.4-1 (cont'd)

Issues Identified During the Public Scoping Period

Forum/ Commenter	Comment Date <u>a</u> /	Comment/Issue <u>b</u> /	EIS/EIR Section(s) Addressing Comment
COMMENT LETTERS ON THE NOTICE OF INTENT/NOTICE OF PREPARATION (cont'd)			
Mexican Secretaría de Energía (Martens, E.)	1/15/01	• support for the project to assist Mexico and California in meeting current and future electricity needs	1.1
		• request for expeditious processing of NBP's application	1.1
Palo Verde Irrigation District (Henning, R.)	1/3/01	• treatment of Palo Verde Irrigation District (PVID) irrigation canals and drains (not as jurisdictional wetlands)	5.3.2
Palo Verde Irrigation District (VanDyke, C.)	1/31/01	• merits of crossing PVID facilities at locations where canals and drains are culverted to minimize interference with PVID operations and provide protection of the pipeline from deep ripping farming practices	6.1.2
		• request for consideration of placing the pipeline in a dedicated public road right-of-way	5.12, 6.1.2
The Nature Conservancy of Arizona (Hall, J.)	2/4/01	• assessment of impact in accordance with Council on Environmental Quality guidance in regard to biodiversity considerations and in consideration of regional biodiversity initiatives	5.5, 5.6, 5.7
		• assessment of cumulative impact of reasonably projected power plant, gas pipeline, and transmission line projects on native biodiversity	5.13.1
		• assessment of the potential introduction and adverse impacts by invasive plant species during construction and site restoration activities	5.5.2
		• consideration of alternatives that protect native biodiversity	3.0, 6.0
U.S. Bureau of Reclamation (Miller, D.)	2/5/01	• jurisdiction over the All American Canal	4.3.2
		• agency's NEPA responsibilities associated with issuance of a right-of-use permit	1.2
U.S. Fish and Wildlife Service (Tuggle, B.)	2/8/01	• recommendation to consult with the Arizona and Carlsbad, California Ecological Services' Field Offices regarding potential impacts on fish and wildlife resources and their habitats	4.7, 5.7
		• assessment of hazards from leaks or ruptures at the Colorado River crossing	5.12
		• disturbance to riparian and wetland habitats during construction of the pipeline and maintenance of the right-of-way	5.4
		• potential impacts on federally listed species, such as the desert tortoise or other listed aquatic species	5.7
COMMENT LETTERS ON THE SUPPLEMENT TO THE NOTICE OF INTENT/NOTICE OF PREPARATION			
Arizona State Land Department (J. Gross)	5/22/01	• the FERC's eminent domain authority does not extend to lands owned by the State of Arizona	5.8.1.1
Figueroa, A.	5/27/01	• impact of the project on traditional cultural properties	5.10
		• safety concerns	5.12
		• consideration of an alternative route from Quartzsite to Yuma, Arizona	6.1.1
Garcia, S.	6/6/01	• safety of the Blythe Energy Project and its components	5.12, 5.13
		• impact of the project on cultural resources	5.10
South Coast Air Quality Management District (S. Smith)	5/29/01	• analysis of potential air quality impacts	5.11

TABLE 1.4-1 (cont'd)

Issues Identified During the Public Scoping Period

Forum/ Commenter	Comment Date <u>a/</u>	Comment/Issue <u>b/</u>	EIS/EIR Section(s) Addressing Comment
COMMENT LETTERS ON THE BLM'S NOTICE OF CONSIDERATION OF THE PLAN AMENDMENTS			
Center for Biological Diversity (D. Patterson)	7/3/01	• any route that is not fully within an already designated utility corridor should be removed from consideration	6.1.3
		• consideration of adjacent impacts as well as impacts directly within the proposed corridor for the pipeline	5.0
		• consideration of fragmentation of habitat, especially in the Milpitas Wash area	5.6.1, 5.7
		• consideration of the spread of exotic invasive weeds	4.5.2, 5.5.2
		• impact of the creation of new routes that may be expanded upon by off-highway vehicles	5.8.5
		• impact of the project on air quality	5.11.1
		• consideration of environmental justice and cultural resources issues	5.9.2.6, 5.10
		• consideration of alternative routes	3.0, 6.0
		• consideration of less damaging alternative energy sources	3.1
		• build-up of additional power infrastructure as a result of increased fuel supply and related increased pollution and water use	5.13
		• impacts on wilderness values	4.8.5, 5.8.5, 6.1.3
		• impacts on the Palo Verde wilderness area	4.8.5, 5.8.5, 6.13
		• impacts on threatened and endangered species and critical habitat in the area	5.6, 5.7
		• impacts on local citizens and farm workers around Blythe and Palo Verde	5.2, 5.9
Figueroa, A.	6/11/01	• opposition to the proposed route	6.0
		• impact of the project on traditional cultural properties	5.10
		• safety concerns	5.12
		• consideration of an alternative route from Quartzsite to Yuma, Arizona	6.1.1
Kw'st'an Culture Committee (P. Jose)	6/20/01	• impact of the project on cultural resources	5.10
		• impact of the project on the desert tortoise	5.7
		• impact of the project on wildlife habitat	5.6
Student Letters from the Second Grade Class at Rancho Veijo School	6/19/01 (15 Letters)	• impact of the project on the desert tortoise	5.7
		• impact of the project on wildlife	5.6
		• consideration of alternatives	6.0

a/ Comment letters dated before 12/12/00 were received in response to the FERC's Notice of Application for the North Baja Pipeline Project that was published in the Federal Register. We have treated the environmental comments in those letters as scoping comments.

b/ The scoping meeting transcripts and written comment letters are available for viewing on the FERC Internet website (www.ferc.fed.us). Click on the "RIMS" link, select "Docket #" from the RIMS menu, and follow the instructions.

c/ Refers to the Devers-Palo Verde 500 kilovolt transmission line right-of-way, which is approximately 2.5 miles south of 18th Avenue. The owner of the transmission line is Southern California Edison rather than the WAPA. The alternative route referred to as the WAPA Alternative is evaluated in this EIS/EIR as the Devers Alternative.

Comments were received by the CSLC requesting that the EIS/EIR consider the transboundary impacts of the North Baja Pipeline Project. We have determined that the construction and operation of NBP's proposed facilities would be localized and not have a significant effect on the environment of Mexico. Therefore, the transboundary effects of the North Baja Pipeline Project are not evaluated further. The facilities planned for construction in Mexico that would receive gas transported through the North Baja pipeline have undergone the Mexican environmental review process. Mexico's Energy Regulatory Commission issued a natural gas transportation permit for the construction of the Gasoducto Bajanorte pipeline in December 2000. On November 15, 2000, the Instituto Nacional de Ecologia authorized a Manifestacion de Impactos de Ambientales (MIA) for Energia Azteca's planned power plant. Termoelectrica de Mexicali received an MIA authorization on January 23, 2001, for its planned power plant

This draft EIS/EIR and draft plan amendment was filed with the U.S. Environmental Protection Agency (EPA); submitted to the California State Clearinghouse; and mailed to various Federal, state, and local agencies, elected officials, Native American groups, newspapers, public libraries, intervenors to the FERC's proceeding, and other interested parties (*i.e.*, landowners, miscellaneous individuals, and environmental groups who provided scoping comments or asked to remain on the mailing list). A formal notice indicating that the draft EIS/EIR and draft plan amendment is available for review and comment was published in the Federal Register, posted in the appropriate county offices in California, and sent to the remaining parties on the environmental mailing list. The environmental mailing list includes 863 entries of which 639 received the draft EIS/EIR and draft plan amendment and 224 received the notice indicating that the draft EIS/EIR and draft plan amendment is available (see appendix A). The public will have 90 days to review and comment on the draft EIS/EIR and draft plan amendment both in the form of written comments and at public meetings held in the project area. All comments received on the draft EIS/EIR and draft plan amendment will be addressed in the final EIS/EIR.

1.5 NONJURISDICTIONAL FACILITIES

Under Section 7 of the NGA, the FERC is required to consider, as part of its decision to certificate interstate natural gas facilities, all factors bearing on the public convenience and necessity. Occasionally, proposed projects have associated facilities that do not come under the jurisdiction of the Commission. These "nonjurisdictional" facilities may be integral to the need for the proposed facilities (*e.g.*, a power plant at the end of a pipeline that is in the jurisdiction of the FERC) or they may be merely associated as a minor, non-integral component of the jurisdictional facilities that would be constructed and operated as a result of the proposed facilities.

Nonjurisdictional facilities associated with the North Baja Pipeline Project include the proposed Gasoducto Bajanorte pipeline and any existing or new power plants (and any laterals and powerlines that they may require) that would take service directly from the North Baja pipeline, Gasoducto Bajanorte pipeline, or through an interconnection with the TGN pipeline. Table 1.5-1 lists the currently identified nonjurisdictional facilities that are associated with the North Baja Pipeline Project.

The FERC has adopted a four-factor procedure to determine whether there is sufficient Federal control and responsibility over related nonjurisdictional facilities to require its environmental analysis. These factors are:

- whether the regulated activity comprises "merely a link" in a corridor type project (*e.g.*, a transportation or utility transmission project);

- whether there are aspects of the nonjurisdictional facility in the immediate vicinity of the regulated activity that affect the location and configuration of the regulated activity;
- the extent to which the entire project will be within FERC jurisdiction; and
- the extent of cumulative Federal control and responsibility.

TABLE 1.5-1 Nonjurisdictional Facilities Associated with the North Baja Pipeline Project			
Facility (Sponsor)	Location	Existing	Proposed Facilities
BCP Transmission Line Project (Baja California Power, Inc.)	Baja California, Mexico and Imperial County, California, United States	no	double-circuit 230,000-volt overhead transmission line (6 miles in Mexico, 6 miles in the United States)
Gasoducto Bajanorte Project (Semptra)	Baja California, Mexico	no	135-mile-long pipeline
Mexicali Power Plant (Energia Azteca X)	Mexicali, Baja California, Mexico	no	750-MW combined-cycle power plant
Mexicali Power Plant (Energia de Mexicali)	Mexicali, Baja California, Mexico	no	250-MW combined-cycle power plant
Mexicali Power Plant (Semptra)	Mexicali, Baja California, Mexico	no	500-MW combined-cycle power plant
Otay Mesa Generating Project (Otay Mesa Generating Company LLC)	San Diego County, California, United States	no	500-MW combined-cycle power plant
Presidente Juarez Power Plant (CFE)	Tijuana, Mexico	yes	conversion of existing 320-MW liquified petroleum gas-fired and 200-MW oil-fired electricity generation units to natural gas, new 550-MW natural gas-fired unit
SER Transmission Line Project (Semptra Energy Resources)	Baja California, Mexico and Imperial County, California, United States	no	double-circuit 230,000-volt overhead transmission line (3 miles in Mexico, 6 miles in the United States)
Termoelectrica De Mexicali Power Plant	Mexicali, Baja California, Mexico	no	600-MW combined-cycle power plant

We have applied the four-factor procedure to the North Baja Pipeline Project and determined that the FERC's control and responsibility is not sufficient to extend its environmental review to include the nonjurisdictional facilities associated with the North Baja Pipeline Project. The CSLC, however, is required under CEQA to consider the environmental effects of an entire project, including associated actions such as nonjurisdictional facilities. Therefore, the environmental effects of the nonjurisdictional facilities associated with the proposed North Baja Pipeline Project are addressed in the cumulative impact analysis in section 5.13 of this EIS/EIR.

1.6 CONSISTENCY WITH REGIONAL AND LOCAL PLANS

The proposed project is not consistent with existing BLM land use plans for the CDCA and Yuma District. The BLM is considering amending these plans to the extent necessary to allow the project. The majority of the proposed pipeline route falls within the CDCA. The BLM administers a comprehensive land

use management plan for this area, which is referred to in this EIS/EIR as the CDCA Plan. The goal of the CDCA Plan is to provide for the educational, scientific, and recreational uses of public lands and resources within the CDCA in a manner that enhances and does not diminish the environmental, cultural, and aesthetic values of the desert and its productivity. According to the CDCA Plan, this goal is to be achieved through the direction given for management actions and resolution of conflicts. Direction is stated first on a geographic basis in guidelines set forth in each of four multiple-use classes. Within those guidelines, further refinement of direction is expressed in the goals for each CDCA Plan element (*e.g.*, cultural resources, wildlife, vegetation, wilderness, recreation, motorized-vehicle access, geology, and energy production and utility corridors). Direction is also expressed in certain site-specific CDCA Plan decisions such as Areas of Critical Environmental Concern (ACECs).

The CDCA Plan states that: "Applications for utility rights-of-way will be encouraged by BLM management to use designated corridors." The proposed project is inconsistent with the CDCA Plan where portions of the proposed pipeline route and a permanent access road deviate from designated utility corridors on BLM-managed land. This draft EIS/EIR and draft plan amendment proposes to modify those utility corridor decisions to the extent needed to allow the BLM to issue NBP a permit for the proposed project. The CDCA Plan amendment process is discussed in section 1.8. Additional discussion of the CDCA Plan and the proposed pipeline route and designated utility corridors is presented in sections 4.8.4.1, 5.8.4.1, and 6.1.3.

We reviewed two other plans currently implemented by the BLM for consistency with the proposed project. The Yuma District Plan, implemented by the BLM Yuma Field Office, and the Milpitas Wash Wildlife Habitat Management Plan (WHMP), implemented by the BLM El Centro Field Office, identify special management areas in the vicinity of the Milpitas Wash. In general, the management objectives of both plans include consolidation, protection, and enhancement of wildlife habitat and habitat for plants of special management concern. NBP proposes a number of conservation measures protecting wildlife and special status plants that are generally consistent with objectives of the management plans addressing the proposed activities in the Milpitas Wash area. The Yuma District Plan, however, prohibits new utilities or rights-of-way across the Milpitas Wash SMA. This draft EIS/EIR and draft plan amendment proposes to modify the land use plan decisions to the extent needed to allow the BLM to issue NBP a permit to cross the Milpitas Wash SMA. The Yuma District Plan amendment process is discussed in section 1.8. Additional discussion of the special management areas is presented in sections 4.6.1 and 4.8.4. Additional discussion of NBP's proposed conservation measures is presented in section 5.7.

The BLM is currently preparing a regional plan for the Northern and Eastern Colorado desert. The draft Northern & Eastern Colorado Desert Coordinated Management Plan (NECO Plan) and EIS was issued by the BLM on February 26, 2001. The NECO Plan would amend or create land use plans and specific management prescriptions for species and habitats on Federal lands. The NECO Plan would, in part, amend the CDCA Plan and would eliminate the Milpitas Wash WHMP. Because the NECO Plan has not been finalized or approved, we considered only the overall consistency of the proposed project with the preferred alternative of the draft NECO Plan.

The draft NECO Plan preferred alternative would establish a 485,267-acre Desert Wildlife Management Area (DWMA) in the Chuckwalla area, which is an area designated by the U.S. Fish and Wildlife Service (FWS) as critical habitat for the desert tortoise. Proposed planning guidelines for the Chuckwalla DWMA include cumulative limitation of new disturbance on BLM lands within the DWMA to 1 percent of the total, or 4,852 acres. The portion of the proposed North Baja pipeline route between mileposts (MPs) 35.3 and 48.0 would cross this DWMA near its eastern boundary (State Route (SR) 78); however, the route on BLM land would be within a designated utility corridor and the proposed project would

disturb 46.5 acres of BLM land within the DWMA. The North Baja Pipeline Project is subject to Section 7 consultation in accordance with the Endangered Species Act of 1973 as amended to address potential impacts on desert tortoise, including cumulative impacts (see section 5.7).

Although recovery of the desert tortoise is an important aspect of the draft NECO Plan, the plan also addresses the conservation of other species. For example, it “strongly recommends” consideration of protection of the Couch’s spadefoot toad. NBP has, through consultation with the CDFG, established an avoidance and monitoring measure for the Couch’s spadefoot toad (see section 5.7). The draft NECO Plan’s consideration of other desert endemic species and their habitats is also reflected in this EIS/EIR.

No roads planned for pipeline use during construction or operation include or are in proximity to roads that would be closed if the draft NECO Plan preferred alternative is approved.

We also considered the proposed project’s consistency with the Imperial County General Plan by consulting with the Planning Director for the county. The Planning Director indicated that the issues identified in Imperial County’s February 7, 2001 scoping comment letter were made in the context of reviewing the project for consistency with the Imperial County General Plan (Heuberger, 2001). Table 1.4-1 lists the specific comments received from the Imperial County Planning Department during the scoping period and indicates the section of the EIS/EIR in which each comment is addressed.

1.7 PERMITS, APPROVALS, AND REGULATORY REQUIREMENTS

Table 1.7-1 lists the major Federal, state, and local permits, approvals, and consultations identified for the construction and operation of the North Baja Pipeline Project. Any non-Federal permits or approvals with requirements that conflict with the FERC’s Certificate, or that do not permit NBP to meet its obligations under the FERC’s Order, would be preempted by the Certificate; however, the FERC may require NBP to comply with the conflicting requirements of a state or local permit or approval if the agencies agree on how to proceed. Permits or approvals required by state or local regulatory authorities that are not in conflict with the Certificate are not subject to Federal preemption.

For the BLM, the proposed Federal actions are whether to amend the CDCA Plan, as amended (1980), and the Yuma District Plan, as amended (1985), allowing for a one-time exemption to the plans, and whether to grant a right-of-way to NBP for the installation of approximately 48.2 miles of pipeline and ancillary facilities across Federal lands managed by the BLM and the BOR.

The proposed pipeline alignment and ancillary facilities are located both within and outside BLM designated utility corridors and a portion of the pipeline would cross the Milpitas Wash SMA. As discussed in section 1.6, before any rights-of-way may be issued, plan amendments must be approved to allow for an exemption to the utility corridor element of the CDCA Plan and the special management areas element of the Yuma District Plan. The proposed amendments are under consideration to accommodate the North Baja Pipeline Project only, and would not create a new corridor or modify existing corridors. The BLM plan amendment process is described in detail in section 1.8.

As a cooperating agency, the BLM proposes to adopt this draft EIS/EIR per Title 40 CFR Part 1506.3 to meet its responsibilities under NEPA and its planning regulations per 43 CFR 1610. As a BLM NEPA document, this EIS/EIR includes an analysis of the direct, indirect, and cumulative impacts of granting the aforementioned rights-of-way and alternatives on BLM-managed public lands. This EIS/EIR includes all the required elements per 43 CFR 1610 such as public participation, consistency review, issue identification, development of planning criteria, formulation of alternatives, environmental impact analysis, and protest procedures.

TABLE 1.7-1

Major Permits, Approvals, and Consultations for the North Baja Pipeline Project

Regulatory Agency	Required Permit or Approval	Agency Action
FEDERAL		
Advisory Council on Historic Preservation	Section 106 Consultation, National Historic Preservation Act (NHPA)	Has the opportunity to comment if the project may affect cultural resources that are either listed on or eligible for listing on the National Register of Historic Places.
Federal Energy Regulatory Commission (FERC)	Certificate of Public Convenience and Necessity	Determine whether the construction and operation of a natural gas pipeline project is in the public interest.
	Presidential Permit	Consider issuance of a permit for interconnection of natural gas transmission facilities at the international border of the United States and Mexico.
U.S Department of the Army Corps of Engineers (COE)	Section 10, Rivers and Harbors Act Permit	Consider issuance of a Section 10 permit for construction across the Colorado River.
	Section 404, Clean Water Act (CWA) Permit	Consider issuance of Section 404 permits for the placement of dredge or fill material into all waters of the United States, including wetlands.
U.S. Department of the Interior		
Bureau of Land Management	Antiquities and Cultural Resource Use Permit	Consider issuance of antiquities and cultural resources use permit to conduct surveys and to excavate or remove cultural resources on Federal lands.
	California Desert Conservation Area (CDCA) Plan Amendment	Consider amending the CDCA Plan.
	Yuma District Resource Management Plan (Yuma District Plan) Amendment	Consider amending the Yuma District Plan.
	Right-of-Way Grant	Consider granting rights-of-way and temporary use permits for portions of the project that would encroach on Federal lands, including easements across federally owned waterways.
	Temporary Use Permit	Consider issuance of a temporary use permit for temporary activities in a construction right-of-way.
	Plan of Development	Consider approval of detailed Construction, Operation, and Maintenance Plan.
	Notice to Proceed	Following issuance of the right-of-way grant and approval of the Construction, Operation, and Maintenance Plan, consider issuance of a Notice to Proceed with project development and mitigation activities.

TABLE 1.7-1 (cont'd)

Major Permits, Approvals, and Consultations for the North Baja Pipeline Project

Regulatory Agency	Required Permit or Approval	Agency Action
Bureau of Reclamation	Water Rights Contract Amendment	In conjunction with the Imperial Irrigation District, consider amending NBP's Colorado River water rights contract to allow a change in use from agricultural to hydrostatic test water and domestic water use.
U.S. Fish and Wildlife Service	Section 7 Consultation, Biological Opinion (Endangered Species Act)	Consider lead agency finding of impact on federally listed or proposed species. Provide Biological Opinion if the project may affect federally listed or proposed species or their habitats.
	Fish and Wildlife Coordination Act	Provide comments to prevent loss of and damage to wildlife resources.
U.S. Department of Transportation Federal Highway Administration	Encroachment Permits	Consider issuance of permit for pipeline crossing of federally funded highways (I-8).
U.S. Department of the Treasury Bureau of Alcohol, Tobacco, and Firearms	Explosive User's Permit	Consider issuance of permit to purchase, store, and use explosives for site preparation during pipeline construction.
U.S. Environmental Protection Agency, Region IX	Section 401, CWA, Water Quality Certification	In conjunction with states, consider issuance of water use and crossing permits.
	Section 402, CWA, National Pollutant Discharge Elimination System (NPDES)	In conjunction with states, review and issue NPDES permit for discharge of hydrostatic test water.
	Section 404, CWA	Review CWA, Section 404 applications for wetland dredge-and-fill applications for the COE with 404(c) veto power for wetland permits issued by the COE.
	Stormwater Discharge Permit	In conjunction with states, review and issue stormwater permit for activities associated with pipeline and aboveground facilities construction.
ARIZONA		
Department of Environmental Quality		
Division of Water Resources	Section 401, CWA, Water Quality Certification	Consider approval of certification of activities related to dredge and fill materials.
	NPDES Storm Water Construction Permit	Consider issuance of permit for discharge of stormwater into waters of the United States.
	Construction Dewatering Permit (if necessary)	Consider issuance of permit regulating discharge of intruded or stormwater from construction excavation to land or waters of the United States.

TABLE 1.7-1 (cont'd)

Major Permits, Approvals, and Consultations for the North Baja Pipeline Project

Regulatory Agency	Required Permit or Approval	Agency Action
Division of Air Quality	Permit to Construct	Consider issuance of permit to construct equipment with potential for air emissions.
	Permit to Operate	Consider issuance of permit to regulate the operation of equipment with potential for air emissions.
Arizona State Lands Department, Natural Resources Division	Soil Erosion, Sedimentation Control, and Spill Plan Approval	Consider approval of Soil Erosion, Sedimentation Control, and Spill Plans in coordination with local conservation districts.
	Easement	Consider authorization of an easement for the pipeline crossing of state lands.
	Temporary Use Permit	Consider issuance of a temporary use permit for extra workspace associated with the Colorado River directional drill.
Arizona Department of Game and Fish	Threatened and Endangered Species Clearance	Consider issuance of biological clearance for state-listed species.
Arizona State Historic Preservation Office	Section 106 Consultation, NHPA	Consult with the FERC, project applicant, appropriate land management agencies, and others regarding activities potentially affecting cultural resources.
LA PAZ COUNTY, ARIZONA		
Board of Supervisors	Conditional Use Permit	Consider issuance of conditional use permit.
CALIFORNIA		
California State Lands Commission	Right-of-Way Permit (Land Use Lease)	Consider issuance of a grant of right-of-way across state lands.
California Department of Fish and Game	California Endangered Species Act	Consider issuance of a Section 2081 incidental take permit for state-only listed species and a Section 2081.1 consistency determination for effects on species that are both state- and federally listed.
	California Native Plant Protection Act	Review of mitigation agreement and mitigation plan for plants listed as rare.
	Streambed Alteration Agreement (Section 1603 of the California Fish and Game Code)	Consider issuance of Section 1603 Streambed Alteration Agreement.
California Department of Transportation	Encroachment Permit	Consider issuance of permits to cross or bore under state highways.
California State Historic Preservation Office	Section 106 Consultation, NHPA	Consult with the FERC, project applicant, appropriate land management agencies, and others regarding activities potentially affecting cultural resources.
Colorado River Basin Regional Water Quality Control Board	Section 401, CWA, Water Quality Certification	Consider approval of certification of activities related to dredge and fill materials.

TABLE 1.7-1 (cont'd)

Major Permits, Approvals, and Consultations for the North Baja Pipeline Project

Regulatory Agency	Required Permit or Approval	Agency Action
IMPERIAL COUNTY, CALIFORNIA	NPDES Storm Water Construction Permit	Consider issuance of permit for discharge of stormwater into waters of the United States.
	NPDES Hydrostatic Test Permit	Consider issuance of permit for discharge of hydrostatic test water.
	Waste Discharge Requirements (if necessary)	Consider issuance of waste discharge requirements.
	Public Works Department	Easement
	Road Crossing Permit	Consider issuance of an easement.
	Sheriff's Department	Explosives Permit
PALO VERDE IRRIGATION DISTRICT	Trench Dewatering Permit	Consider issuance of road crossing permit.
RIVERSIDE COUNTY, CALIFORNIA	Board of Supervisors	Franchise Agreement
	Transportation Department	Encroachment Permit
		Consider issuance of franchise agreement.
		Consider issuance of encroachment permit.

1.8 BUREAU OF LAND MANAGEMENT PLAN AMENDMENT PROCESS

1.8.1 Regulatory Requirements

Section 202 of the FLPMA states: “ The Secretary shall, with public involvement ... develop, maintain, and when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands” (43 United States Code (USC) 1712). The regulations for making and modifying land use plans and planning decisions are found in 43 CFR 1600. The proposed plan amendments shall follow the regulations as set forth in 43 CFR 1610, Resource Management Planning. In short, an interdisciplinary approach shall be used in amending resource plans. The disciplines of the preparers shall be appropriate to the values involved and the issues identified for the amendment. The amendment shall be analyzed through the NEPA process. Through the NEPA process the public and other Federal, state, and local governments shall be provided opportunities to meaningfully participate in and comment on the preparation of amendments and be given early notice of planning activities. The analysis and public involvement for the proposed plan amendments shall coincide, to the extent possible, with the public notices, hearings, and comment periods of this EIS/EIR for the proposed North Baja Pipeline Project.

1.8.2 Need for Plan Amendments

An amendment to the CDCA Plan is required because the proposed project deviates from a designated utility corridor on BLM land at five locations in the CDCA (MPs 34.1 to 35.0, MPs 53.6 to 65.0, MPs 68.0 to 70.5, MPs 71.8 to 74.3, and MPs 77.3 to 79.8). An amendment to the Yuma District Plan is required because a portion of the proposed route that deviates from a designated utility corridor on BLM land crosses the Milpitas Wash SMA. The Yuma District Plan prohibits the location of new utility facilities in SMAs.

In general, the North Baja pipeline route follows a designated utility corridor. In the five locations where the route deviates from a designated corridor on BLM land, considered after consultation with local BLM representatives, NBP chose a route that for the most part either follows or abuts other previously disturbed corridors established by roads (rather than utilities) such as SR 78 or Ogilby Road.

If the plan(s) are not amended, the BLM may authorize installation of the project within existing corridors only, or the BLM may deny the project if the existing corridor option does not prove feasible. See section 1.8.5 for a summary of alternative routes considered and section 6.0 for a comparison of the alternatives.

1.8.3 Identification of Issues

Major issues raised by the BLM and other agencies are: potential impact on special status species, including the desert tortoise; potential impact on desert wildlife habitat; potential for off-highway vehicle (OHV) route proliferation; impact on land use classifications, including the Milpitas Wash SMA; and visual impacts. These issues are addressed in sections 5.0 and 6.0.

1.8.4 Planning Criteria

Planning criteria (43 CFR 1610.4-2) are parameters that guide development of the plan amendment to ensure the planning process is tailored to the issues and that unnecessary data collection is avoided. Planning criteria are based on standards prescribed by applicable laws and regulations; agency guidance; and

the result of coordination with the public, tribes, and other Federal, state, and local government agencies. The BLM has prepared the planning criteria for the proposed plan amendments as presented below.

Planning and NEPA

The proposed plan amendments shall not amend the majority of the decisions, goals, and objectives established in the CDCA Plan or the Yuma District Plan and these decisions shall remain in effect. The plan amendment process shall be conducted in compliance with the FLPMA, planning regulations at 43 CFR 1600, BLM manual guidance, and all applicable Federal laws affecting BLM land use decisions. The planning process shall include an environmental analysis prepared in compliance with NEPA, the President's CEQ regulations at 40 CFR 1500, and Bureau guidance.

Consistency with Other Land Use Plans

The BLM's land use plans and amendments must be consistent with officially approved or adopted resource-related plans of Indian tribes, other Federal agencies, and state and local governments to the maximum extent practical, given that the BLM's land use plans must also be consistent with the purposes, policies, and programs of the FLPMA, and other Federal laws and regulations applicable to public lands (43 CFR 1610.3-2(a)). Consistency with current land use plans is discussed in section 1.6.

Consistency with Ongoing BLM Planning Efforts

The draft NECO Plan and EIS, which are still undergoing public review, were considered (see section 1.6).

1.8.5 Alternatives Considered in the Analysis

An alternative this EIS/EIR must consider is that NBP use existing corridors, as designated in the CDCA Plan (BLM, 1980 as amended) for its entire route across public land in California. In 1980 when the CDCA Plan was issued, utility corridors 2 to 5 miles wide were designated, mostly along existing pipelines and transmission lines (BLM, 1980). Subsequently, several additional corridors were designated. The intent of the CDCA Plan was to limit future disturbance and land use designation for utilities to previously disturbed areas already carrying utilities. By the legislation enabling the CDCA Plan, a plan amendment is required to allow an exception to the plan's designated utility corridors.

NBP considered the alternative of following designated utility corridors early in its planning process and discussed it at length with Federal and state agency representatives. The majority of NBP's proposed route is within a designated utility corridor. NBP proposes to deviate from a designated utility corridor at three segments of its route based on recommendations from Federal agency staff to reduce or eliminate conflict with existing resources or to minimize resource damage. These three segments are referred to as Palo Verde Mountains, Powerline North, and Powerline South. This draft plan amendment addresses where the proposed route deviates from the designated utility corridor in these three segments (which include five locations on BLM-managed land within the CDCA Plan area). The majority of the deviation from the Palo Verde Mountains segment of the designated utility corridor would be outside of the CDCA but would cross the Milpitas Wash SMA. The crossing of BLM-managed land within the Milpitas Wash SMA (Yuma District Plan) is also considered in this draft plan amendment. A detailed discussion of the three designated utility corridor segments in comparison with the corresponding segments of the proposed route is presented in section 6.1.3. Route variations to minimize the crossing of the Milpitas Wash SMA are discussed in section 6.2.1.

1.8.6 Agency Coordination

The BLM and the FWS have worked closely together with NBP representatives throughout the process of collecting information for this environmental analysis. Meetings with FWS and BLM personnel were held March 9, 2001 in the field and April 24, 2001 in the Carlsbad, California offices of the FWS. BLM and FWS personnel have consulted informally on the impacts of the corridor exception, on NBP's proposed restoration plan, and on the potential impacts on desert wildlife habitat and the desert tortoise.

1.8.7 Public Participation

BLM planning regulations (40 CFR 1601-1610) provide for specific points of public involvement in environmental analysis and land use planning decisions including plan amendments. The review and analysis of the North Baja Pipeline Project follows the BLM guidelines for public participation and opportunity to comment, as well as those of the FERC and the CSLC. As stated in section 1.4, the FERC and the CSLC published an NOI/NOP to prepare a joint EIS/EIR on December 12, 2000. The NOI/NOP announced the BLM's intent to consider a CDCA Plan amendment, among other decisions. Subsequently, public scoping meetings were held on January 10, 2001 in El Centro, California and on January 11, 2001 in Blythe, California. On May 22, 2001, the FERC and the CSLC published a supplemental NOI/NOP to announce the BLM's intent to consider an amendment to the Yuma District Plan. The BLM followed with a notice specific to the proposed BLM plan amendments that was published in the Federal Register on June 5, 2001. Comments received in response to the various notices issued for the project are summarized in section 1.4.

As stated in section 1.4, this draft EIS/EIR and draft plan amendment was filed with the EPA; submitted to the California State Clearinghouse; and mailed to various Federal, state, and local agencies, elected officials, Native American groups, newspapers, public libraries, intervenors to the FERC's proceeding, and other interested parties (*i.e.*, landowners, miscellaneous individuals, and environmental groups who provided scoping comments or asked to remain on the mailing list). A formal notice indicating that the draft EIS/EIR and draft plan amendment is available for review and comment was published in the Federal Register, posted in the appropriate county offices in California, and sent to the remaining parties on the environmental mailing list. There will be a 90-day comment period during which the public will have the opportunity to comment on the draft EIS/EIR and draft plan amendment both in the form of written comments and at public meetings held in the project area. All comments received on the draft EIS/EIR and draft plan amendment will be addressed in the final EIS/EIR and considered in a set of proposed decision documents.

Before the BLM approves the CDCA or Yuma District Plan amendment decisions, the Governor of California will have an opportunity to review the proposed decision for consistency with state and local plans.